

1628



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Patent Examining Operations

Applicant(s): Clive Patience
Serial No.: 10/055,364
Filed: 23 January 2002
TITLE: GAMMA HERPES VIRUS DNA AND METHODS OF USE
Docket No.: 61750-379

Art Unit: 1648

Examiner: Foley, S.

8 October 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Transmittal

Sir:

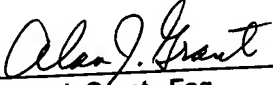
Applicant herewith submits the following:

1. Form 1449 form and cited references;
2. Copy of Form 1449 from parent application;
3. Information Disclosure Statement;
4. International Search Report; and
5. Postage-paid, Self-addressed postcard.

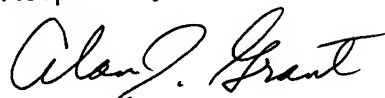
Applicant herewith submits Form 1449 and an Information Disclosure Statement. Applicant advises the Examiner that the listed references were considered in the parent application (Serial No. 09/612,204, filed 7 July 2000). A copy of the previous Form 1449, initialed by the Examiner, is included for reference. Applicant has supplied an a copy of the cited references for the Examiner's convenience along with a copy of the original International Search Report for reference.

Serial No.: 10/055,364
Filed: 23 January 2002

No fees are believed due in making this response. The Commissioner is authorized to charge payment of any fees required in filing this response or credit any overpayment to Deposit Account No. 03-0678.

FIRST CLASS CERTIFICATE	
I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:	
Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450	
 Alan J. Grant, Esq.	<u>10/8/03</u> Date

Respectfully submitted,



Alan J. Grant, Esq.
Reg. No. 33,389

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CECCHI, STEWART & OLSTEIN
Six Becker Farm Road
Roseland, NJ 07068
Phone: 973-994-1700
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INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §1.56(a), Applicant(s) hereby cite(s) the enclosed documents listed on the attached copy of Form PTO-1449 which are believed to be material to the patentability of the above-identified application.

This Information Disclosure Statement is filed in accordance with the paragraph of 37 CFR §1.97 indicated below:

X §1.97(b) This Information Disclosure Statement is filed:

- (1) Within three months of the filing date of a national application; OR
- (2) Within three months of the date of entry of the national stage of an international application; OR
- (3) Before the mailing of a first Office Action on the merits. No fee or statement is required.

___§1.97(c) This Information Disclosure Statement is filed after the period specified in paragraph (b) above, but before the mailing date of either:

- (1) A Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311; AND

is accompanied by either: (check one)

___ The statement as specified in 37 CFR §1.97(e) set out below; OR

___ The fee of \$180.00 under 37 CFR §1.17(p).

___§1.97(d) This Information Disclosure Statement is filed after the mailing date of either:

- (1) a Final Action or under 37 CFR §1.113; OR
- (2) A Notice of Allowance under 37 CFR §1.311;

BUT filed on or before payment of the Issue Fee; AND

is accompanied by:

- (1) The statement as specified in 37 CFR §1.97(e) as set forth below; AND
- (2) Petition is hereby made under 37 CFR §1.97(d) for consideration of this Information Disclosure Statement; AND,
- (3) The petition fee of \$130.00 set out in 37 CFR §1.17(i).

___§1.97(e) The undersigned Attorney hereby states that:


___ each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of this Information Disclosure Statement;

or

___ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or to the knowledge of the undersigned Attorney after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

The Commissioner is authorized to charge payment of any additional filing fees required with this communication or credit any overpayment to Deposit Account No. 03-0678.

Serial No: 10/055,364
Filed: 23 January 2002

FIRST CLASS CERTIFICATE	
I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:	
Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450	
 Alan J. Grant, Esq.	<u>10/8/03</u> Date

Respectfully submitted,



Alan J. Grant, Esq.
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Form PTO-1449

Atty. Docket:
61750-379Serial No.:
10/055,364

INFORMATION DISCLOSURE STATEMENT

Applicant: Clive Patience

Filing Date: 23 January 2002

Group: 1648

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Sub-Class	Filing Date
	A1					
	B1					
	C1					
	D1					

FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Country	Class	Sub-Class	Translation
	E1					<input type="checkbox"/> Yes <input type="checkbox"/> No
	F1					<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

G1	Simas et al., Trends in Microbiology, Vol. 6, No. 7, pp. 276-282 (1998)
H1	Bahr et al., Virus Research, 60, 123-136 (1999)
I1	Ehlers et al., J. Gen. Virol., 80, 971-978 (1999)
J1	Ulrich et al., J. Gen. Virol., 80, 3199-3205 (1999)
K1	Morozov et al., J. Clin. Microbiol. 36, 2535-2541 (1998)
L1	
M1	
N1	
O1	
P1	

Date Considered:

Examiner:

EXAMINER:

Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Form PTO-1449

61750-300

09/612,204

NOV 16 2000

INFORMATION DISCLOSURE STATEMENT

Applicant: Clive Patience

Filing Date: July 7, 2000

Group: TECH CENTER 1600/2900

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Sub-Class	Filing Date
	A1					
	B1					
	C1					
	D1					

FOREIGN PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Country	Class	Sub-Class	Translation
	N1					<input type="checkbox"/> Yes <input type="checkbox"/> No
	O1					<input type="checkbox"/> Yes <input type="checkbox"/> No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

SAF	P1	Simas, et al., "Murine gammaherpesvirus 68: a model for the study of gammaherpesvirus pathogenesis," Trends in Microbiology, Vol. 6, No. 7, pages 276-282 (July 1998)
	Q1	Bahr, et al., "Structural organization of a conserved gene cluster of Tupaia herpesvirus encoding the DNA polymerase, glycoprotein B, a probable processing and transport protein, and the major DNA binding protein," Virus Research, pages 123-136 (1999)
	R1	Ehlers, et al., "Detection of two novel porcine herpesviruses with high similarity to gammaherpesviruses," Journal of General Virology, pages 971-978 (1999)
	S1	Ulrich, et al., "Characterization of the DNA polymerase loci of the novel porcine lymphotropic herpesviruses 1 and 2 in domestic and feral pigs," pages 3199-3205 (1999)
SAF	T1	Morozov, et al., "Detection of a Novel Strain of Porcine Circovirus in Pigs with Postweaning Multisystemic Wasting Syndrome," Vol. 36, No. 9, pages 2535-2541 (September 1998)
	U1	
	V1	
	W1	
	X1	
	Y1	

Examiner:

Date Considered: 4/3/01

EXAMINER:

Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.